



Cabinet

Tuesday, 8 February 2022

Planning Committee Pilot

Report of the Director – Development and Economic Growth

Cabinet Portfolio Holder for Business and Growth, Councillor A Edyvean

1. Purpose of report

- 1.1. At the Cabinet meeting of 8 June 2021, the following recommendations were approved in relation to changes to the Planning Committee for a trial period:
 - a. the proposals set out are piloted for six months from August 2021;
 - b. the pilot proposals are included in the Council's Constitution (where necessary) and presented at Full Council on 1 July 2021; and
 - c. a further report is brought to Cabinet after six months to consider the findings of the pilot period, with recommendations for Planning Committee changes going forward.
- 1.2. The purpose of this report is to bring back the findings of the pilot period and recommend their permanent change.

2. Recommendation

It is RECOMMENDED that:

- a) the temporary changes implemented during the Planning Pilot period are adopted, including a meeting time of 2.30pm to 6pm (with an option for a half hour extension); and
- b) the Monitoring Officer amend the Constitution to give effect to the permanent arrangements.

3. Reasons for Recommendation

- 3.1. The Council is required to have in place a Planning Committee, it is a statutory function of the Council. The committee is responsible for making decisions on planning applications as set out in the committee terms of reference. Meetings of planning committee are public meetings; it is imperative that the Committee is efficient and effective in process and decision making. The changes made during the planning pilot included having a focus on strategic decision making,

efficiency of officer presentations, and changing the committee time from a 6.30pm to a 2.30pm start time.

- 3.2. During the pilot, following an initial settling in period, Planning Committee has been operating efficiently with the new arrangements and following a survey of those attending Planning Committee, it is recommended that the changes are put in place permanently, including the earlier start time.

4. Supporting Information

- 4.1. The pilot changes fell into two categories of general housekeeping to improve the efficiency of the Committee meetings and using the limited time available in the most effective way, including changes to officer presentations, and encouraging Councillors to raise points of clarification with officers earlier in the process.

- 4.2. The second category related to changes in the way Planning Committee operates, this included:

- 4.2.1 Moving the meeting time to 2.30pm - 6pm (with the potential for a half hour extension in order to conclude business) - there were several reasons for recommending this, including:

- Determination of planning applications is complex and requires full concentration, meetings running late into the evening do not provide officers and Councillors with the best opportunity to make optimum decisions.
- Allows for the best use of officer time – the earlier start time will allow the individual case officer to present their report to the Committee, allowing for personal and professional development of officers.
- It provides for enhanced resilience in the planning officer team by sharing the undertaking of Committee duties and allows the Service Manager for Planning to refocus on the more strategic aspects of Development Management.

- 4.2.2 Objections from Ward Councillors must be based on material planning considerations and policy conflicts in order to trigger an application being placed on a Committee agenda for determination, rather than by officers by delegation. An objection without a clearly defined material consideration or policy conflict will not trigger an application being referred to Planning Committee.

- 4.2.3 Ward Councillors to comment on applications within the statutory consultee timeframe of 21 days (where relevant information is available). Further comments outside this timeframe can be made on new information only. This replaces accepting objections up until the point of determination; an objection at this stage can significantly delay the

application being determined in the statutory timeline and open up the Council to appeal against non-determination.

4.2.4 Investigate the use of an electronic voting system.

4.3. Feedback during the pilot period has been mixed, with concern from some Councillors regarding the earlier start time of 2.30pm. These concerns relate to:

- Reduced availability of Councillors to attend a daytime meeting due to other work commitments, thereby reducing the diversity of the Committee membership.
- Reliance on substitutes as a consequence of the above point – impact on reliable attendance at Committee meetings.
- Inconvenience to applicants and members of the public speaking to or objecting to an application.

4.4. Due to the mixed feedback, a survey was conducted and asked the following groups which meeting start time was preferred:

- 30 Agents/Architects acting on behalf of applicants.
- 15 Planning Committee Members including regular subs.
- 15 Applicants/Objectors who came to speak at Committee in the last six months.
- 15 Planning officers who attend Committee.

4.5. The results were:

- 2.30pm to 6pm – 39 preferred.
- 6.30pm to 10pm – 7 preferred.

4.6. Given the support shown in the survey, plus the benefits outlined in the report, it is recommended that the Planning Committee meeting time moves to a 2.30pm start and this change is made in the Constitution.

5. Alternative options considered and reasons for rejection

The alternative is for Planning Committee to revert to committee arrangements as it was before the pilot. This would mean the improved efficiencies would not be realised and risks the Council not adapting to the changing and increasing demands put upon the Planning Service.

6. Risks and Uncertainties

6.1. The risk in doing nothing is ineffective workflow of planning applications being determined in a timely way. This will damage the Council's reputation and credibility. Non-determination also runs the risk of costly court proceedings against the Council.

6.2. The risk of moving the Committee meeting to earlier in the day is the availability of Committee Members being able to attend and retaining the diversity of Committee membership.

7. Implications

7.1. Financial Implications

There are no direct financial implications resulting from the recommendations in this report. When applications are not taken within statutory timescales, it leaves the Council open to appeal against non-determination. The Council incurs costs in defending these actions.

7.2. Legal Implications

There are no specific legal implications arising from this report, as it confirms arrangements for the Council's planning committee. The Council has a duty to balance its resources, these proposals support the foundations of good governance and decision making.

7.3. Equalities Implications

Planning Committee is a public meeting, which can be attended in person or viewed on the Council's YouTube channel.

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

There are no crime and disorder implications arising from this report.

8. Link to Corporate Priorities

Quality of Life	Open, fair, and transparent decision making through Planning Committee public meetings
Efficient Services	The changes lead to a more efficient and effective use of officer and Councillor time
Sustainable Growth	Strategic Planning decisions are key in determining the growth and development of the Borough
The Environment	Strategic Planning decisions have a direct impact on the environment and sustainability of the growth of the Borough

9. Recommendation

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- b) the Monitoring Officer amend the Constitution to give effect to the permanent arrangements.

For more information contact:	Leanne Ashmore Director – Development and Economic Growth 0115 914 8578 lashmore@rushcliffe.gov.uk
Background papers available for Inspection:	Reports to Cabinet: 08 June 2021 Planning Committee Pilot 17 April 2017 Planning Peer Challenge 13 June 2017 Planning Peer Challenge – initial actions requiring constitutional amendments
List of appendices:	None